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10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 CAROLINE JOANNE HERRLING,
aka "Carrie Phenix,"

16 Defendant.
17

No. 2:23-CR-59-MEMF

GOVERNMENT'S BRIEF ON THE RIGHTS
OF CRIME VICTIM MIRACLE
WILLIAMS; EXHIBITS

Sentencing: February 9, 2024
2:00 p.m.

18
19 18 U.S.C. Section 3771 provides for certain rights for crime
20 victims, including the right to allocute at sentencing. 18 U.S.C.
21 Section 3771(a)(4) (crime victims have the "right to be reasonably
22 heard at any public proceeding in the district court involving . . .
23 sentencing"). It provides that:

24 The term "crime victim" means a person directly and
25 proximately harmed as a result of the commission of a
Federal offense

26 In the case of a crime victim who is . . . deceased, the .
27 . . representatives of the crime victim's estate, family
members, or any other persons appointed as suitable by the
28 court, may assume the crime victim's rights under this
chapter

1 18 U.S.C. 3771(e)(2)(A) and (B). Here, Miracle Williams qualifies
2 under both definitions, but only needs to qualify under one to have
3 the right to address this Court at sentencing.

4 Miracle Williams was the common-law wife of Robert Tascon. She
5 was also the heir of his will. Finally she had medical power of
6 attorney over him. (Exhs. pages 1 and 5).

7 It is undisputed that defendant stole the identity of Robert
8 Tascon and used it to sell his house and only asset without his
9 consent, using the proceeds to purchase a different house for
10 herself and paying off the co-conspirators who helped her. (PSR 42-
11 47.) The theft of his house, and the stress and expense of bringing
12 a lawsuit in a vain attempt to regain his lost property, caused
13 Robert Tascon extreme mental anguish, resulting in his suicide.
14 (Exhs. pages 2 and 5: "The fraudulent sale of his home was the final
15 straw; it consumed him".)

16 Miracle Williams is a crime victim under Section 3771(e)(2)(A)
17 because she was directly and proximately harmed by defendant's theft
18 of Robert Tascon's house. Ms. Williams was the heir to Mr. Tascon's
19 estate and received essentially nothing because defendant deprived
20 Mr. Tascon and Ms. Williams of Mr. Tascon's house. (Exh. page 5:
21 "Mr. Tascon left a will bequeathing his assets to Ms. Williams,
22 however with the fraudulent sale of the Encino home, he had nothing
23 left to leave Ms. Williams."). Cf., United States v. Santarelli,
24 604 Fed.Appx. 164, 169 (3rd Cir. 2015) (rejecting defendant's claim
25 in the sentencing context that "the only victim is Striminsky's
26 estate" and affirming the district court's counting as victims all
27 "the beneficiaries in the will" who received nothing due to the
28 fraud).

1 Miracle Williams is also a crime victim under Section
2 3771(e)(2)(B) because Robert Tascon is dead, so the Court must
3 instead hear from "representatives of the crime victim's estate,"
4 i.e., Miracle Williams the beneficiary of Robert Tascon's will,
5 "family members," i.e., Miracle Williams the common-law wife of
6 Robert Tascon, "or any other persons appointed as suitable by the
7 court," i.e. Miracle Williams who so poignantly mourns his loss.

8 Incredibly, defendant refuses to acknowledge Ms. Williams as a
9 victim of her offense, and seeks to silence her. Her efforts to do
10 so are neither lawful nor humane. Ms. Williams is entitled to
11 allocute before the Court and requests permission to do so by
12 telephone or videoconference as she resides in Texas.

13
14 Dated: February 1, 2024

Respectfully submitted,

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